

REMARKS/ARGUMENTS

Claims 47-54 and 56-97 are pending in this application. Claims 96 and 97 are new.

All previously pending claims 47-54 and 56-95 were rejected for obviousness over Acres I (6,371,852) in view of Acres II (5,752,882), Olsen (6,217,448), Stupak (5,851,147) and Pease (5,326,104). Acres I and II combined were viewed as teaching a jackpot system that has a computer network associated with the gaming positions, a memory for receiving inputs from the gaming positions, a payable associated with the jackpot with a plurality of possible winning entries, and a selection generator and means for comparing the generated selection with the payable.

The Office Action acknowledged that Acres I does not disclose a payable that can be configured by an operator. Acres II was viewed as disclosing to configure the payable in accordance with a reconfiguration command, Olsen was viewed as allowing the operator to configure the payable associated with a jackpot, Pease was relied on as disclosing paytables that are configurable to a system workstation, and Stupak was viewed as teaching jackpots "with associated (and player-chosen) paytables".

In view thereof, it was considered obvious to a person of ordinary skill in the art "to incorporate the pay table associated with the jackpot [which is] capable of being configured by an operator as taught by Acres '882 and Olsen to the jackpot system of Acres '852 along with the explicit teaching of a jackpot payable and configurable paytables of Pease and Stupak in order to allow the operator to control paybacks of the jackpot game system".

Principally, the present invention is directed to a gaming system in which the player scores a regular win (such as a winning combination on the wheels of a slot machine or a winning hand at a card table) and, in addition thereto, the player has an opportunity to win a jackpot as is further described below. Thus, the present invention involves two different winnings, namely a direct hit (on a machine or the table), and a chance to participate in a jackpot payout. To appreciate the present invention, and what differentiates it from the prior art, it is

important to keep these two types of winnings separate and independent of each other and to make sure that when a particular win is referred to as a jackpot win, for example, it does refer to a jackpot and not to a regular hit on the machine, which would not be a jackpot win.

Thus, the present invention defined by the pending claims relates to a separate game of chance, the jackpot game, played in a gaming network in addition to the normal gaming at the gaming positions. The jackpot system of the present invention is replenished by a portion of the bet placed by the individual players at the plurality of gaming positions (these gaming positions can be video gaming positions, slot machines, card tables, etc. and moreover can also be situated in different casinos). The present invention therefore provides a further incentive to the plurality of players playing their independent games because they can win a jackpot as well as the normal winnings of the respective games they are playing, even if the game they are playing is a networked game. The payable associated with the present invention is chosen so that once the jackpot has been won, i.e. all jackpot prizes associated with it have been won and the jackpot is empty, other jackpots are available so that the jackpot does not have to start from zero because there are already some accumulated contributions to maintain the excitement in the casino.

The present invention defined by the pending claims gives the casino operator a flexible tool for configuring a plurality of jackpots and distributing contributions between them so that different classes of players and players at different machines or gaming positions can be flexibly rewarded.

Pending independent claim 47 is directed to this invention and requires amongst others a

jackpot system for an allocation of wins from at least one jackpot to players playing at a plurality of gaming positions ..., at least one jackpot payable associated with said jackpot and stored in one of said memory and another memory associated with said computer network, said jackpot payable being capable of being configured by an operator and having a plurality of possible

winning entries and respective operator definable wins associated with each of said winning entries, a selection generator which is triggered at least once, via said computer network, by a trigger input generated in response to the playing of each game at at least selected ones of said gaming positions, to generate a selection, and means for comparing the selection generated with winning entries in said payable and, in the event of the selection generated corresponding to one of said winning entries, initiating a transfer of information related to the win associated with said one of said winning entries to at least one of at least one player associated with the gaming position which triggered the selection, another jackpot of the said jackpot system and a jackpot of a different jackpot system.

Claim 47, including claims 48-54 and 55-95, were rejected for obviousness based on a combination of no less than five prior art references, which itself demonstrates a difficulty of finding the claims unpatentable for obviousness. The Office Action acknowledges the fact that none of Acres I, Acres II or Olsen disclose a payable which is configurable by an operator as required by claim 47. In view thereof, the Office Action relied on two further, newly cited references, namely Pease and Stupak.

Acres I discloses a jackpot system for an allocation of wins from at least one jackpot to players playing at a plurality of gaming positions. The jackpot system comprises a network associated with the gaming positions, a computing engine included in the computer network and a memory for receiving inputs from the gaming positions, and at least one output for communicating information to the players at the gaming positions. Further, a payable associated with the jackpot has a plurality of possible winning entries and respective wins associated with each of the winning entries.

However, Acres I does not disclose a selection generator, does not disclose means for comparing the generated selection with the payable, and does not disclose that this payable

can be configured by an operator. The Office Action concluded, without any support or objective basis, that such a selection generator and the means for comparing the generated selection with the payable are disclosed in the combination of the jackpot system in Acres II and either of the operator configuration options disclosed in Acres II or Olsen, together with the paytables of either Stupak or Pease.

This conclusion necessarily requires interpreting the paytables of Stupak and/or Pease as being equivalent to the paytables of the present application. However, a jackpot for a networked game such as the Video Poker game of Stupak or the Keno game of Pease is not a jackpot, it is the outcome of the actual game, as is further discussed below. In contrast thereto, the jackpot system of the present invention is a jackpot system for a plurality of players in at least one casino, if not in a network of casinos. Further, the players can be playing a variety of different games on slot machines, roulette tables, card tables and the like.

Turning again to Acres II, the Office Action asserted that Acres II allows the operator to configure the payable, referring to column 3, lines 3-12, although this concept seems to be more fully discussed in column 6, lines 35-55 of Acres II. There Acres II addresses activating a bonus payout schedule in addition to the normal payout schedule.

What Acres II in fact teaches requires careful consideration. The idea of Acres II here is for wins made at gaming devices (not gaming tables) and on jackpot systems to be paid out at the specific gaming device which triggered the jackpot win. To this extent, it is necessary for the computer control system to be able to change the payout amount at each individual gaming machine to enable the payment of the jackpot win to the player in addition to a regular machine win. Thus, the passage in column 3 of Acres II relied on in the Office Action refers to the gaming devices and receiving a reconfiguration command, reconfiguring their payout schedules in accordance with the reconfiguration command. Even though Acres II is concerned with paying out jackpot wins, the reference does not include any disclosure or suggestion how the jackpots themselves are to be configured and organized.

Turning to Acres I, as stated previously, this reference does not disclose or suggest a selection generator and the means for comparing the generated selection with the payable, nor does Acres I teach that this payable can be configured by an operator.

Thus, the rejection of the claims seeks to combine the two Acres references, which do not have any relevance to the actual configuration of a jackpot system per se, in an attempt to demonstrate that the independent claims of the present application, which require the configuration of the jackpot system per se, are nevertheless obvious. Not only does this combination not lead to the present invention as recited in the independent claims, since the relevant teaching is missing from both references, it further appears that the attempted combination of the two references for purposes of rejecting the pending claims employs hindsight based on knowledge obtained from the present invention as described in this application. For this reason alone, applicants submit that the present invention as defined by the pending claims is not obvious.

Olsen was relied upon in the obviousness rejection of the claims as disclosing to allow the operator to configure the payable associated with the jackpot.

Olsen relates to game play at gaming machines. Game play at tables is not addressed by Olsen. The present invention, however, can have jackpots which can be won both by players at gaming tables and players at gaming machines, both of which can participate simultaneously in a common jackpot. Each game played at each gaming position can trigger a contribution to the jackpot, assuming the machine and the player are eligible for the jackpot (for example, players may have to play for a certain time and at a certain speed and level of bet to be eligible to participate). Once the jackpot has reached a financial level selected at random between maximum and minimum limits, the possibility exists that certain players (not all) selected at random become eligible to participate in a bonus time period with the possibility of a jackpot win. It must be noted, however, that the level of the win is not the amount of the jackpot at that time but a multiple of the win achieved by an eligible player at an eligible gaming machine during the bonus round.

Thus, all the operator in Olsen can do is select suitable multiples because there is no selection generator as required by claim 47, and there is no set of predefined winning entries or any respective wins associated with each of the predefined winning entries. Moreover, the operator's scope for configuration of the jackpot wins is severely limited in Olsen to defining the multiples that are allowed, and there is no separate selection generator or payable associated therewith.

Thus, there is only the game of chance played on each machine and the possibility of paying out multiples of wins achieved by playing the game on the machine, with the wins being defined exclusively by the rules of the game being played and not by a separate game of chance associated exclusively with the jackpot.

In the previous Office Action of June 12, 2007, all claims were rejected for obviousness over the two Acres patents and Olsen. That rejection was withdrawn and the current Office Action additionally relies on Stupak and Pease. Stupak was cited for allegedly teaching jackpots with associated and player-chosen paytables, while Pease was cited for allegedly teaching paytables that are configurable at a system workstation.

In view thereof, the Office Action held that it would have been obvious "to incorporate the payable associated with the jackpot being capable of being configured by an operator as taught by Acres II (Acres '882) and Olsen to the jackpot system of Acres I (Acres '852) along with the explicit teaching of a jackpot payable and configurable paytables of Pease and Stupak in order to allow the operator to control paybacks of the jackpot game system".

Claim 1 of Stupak very accurately sets forth the disclosure of the reference. It is a gaming device comprising:

- (a) means for accepting a wager from a player;*
- (b) means for displaying a multiplicity of alternative jackpots;*
- (c) means responsive to said player's input for selecting from among said multiplicity of said jackpots;*
- (d) means for indicating the jackpot selected by the player;*

(e) means for storing a pay-out schedule of one or more winning outcomes associated with the selected jackpot in memory storage means;

(f) means for randomly selecting an outcome for the game;

(g) means for comparing the selected outcome with the payout schedule of winning outcomes to determine if the selected outcome is a winning outcome;

(h) means for awarding a prize for obtaining a winning outcome;

(i) means for determining said prize to be awarded including at least one algorithm which iteratively tests said resulting payout schedule against optimum characteristics stored in said memory storage means to choose the most optimal pay-out schedule.

Stupak improperly uses conventional gaming terminology. Stupak's reference to a jackpot does not actually mean a jackpot in the customary meaning of the word, but rather a win at the game that was selected. Thus in features (b) to (e) the word "jackpot" really refers to and should therefore be replaced by "game", and in conventional gaming terminology these features should read, and really mean, "*(b) means for displaying a multiplicity of alternative games; (c) means responsive to said player's input for selecting from among said multiplicity of said games; (d) means for indicating the game selected by the player; (e) means for storing a pay-out schedule of one or more winning outcomes associated with the selected game in memory storage means*". Thus, when customary gaming terminology is used, the sections (b)-(e) as reworded in the preceding sentence become also consistent with the word "game" as used in section (f) of claim 1 of Stupak.

Accordingly, Stupak does not disclose "a jackpot system for an allocation of wins from at least one jackpot to players playing at a plurality of gaming positions, the jackpot system comprising a computer network associated with said gaming positions, a computing engine included in said computer network and having a memory for receiving inputs from the gaming positions and at least one output for communicating information to said players at said gaming

positions”, as required by independent claims 47, 93, 96 and 97. Independent claim 81 is similarly limited and differs in that it uses method terminology.

Stupak therefore does not teach, suggest or in any way motivate one to use a selection generator or means for comparing a generated selection with the jackpot payable as defined by the claims of the present application.

Further, in its Abstract, for example, Stupak is concerned with giving the player of a game of video poker the option to choose the kind of winning he could achieve if the randomly selected cards chosen by the video poker machine yield these winning cards. The player of a game of video poker is dealt a certain hand and, based on this hand, the payable disclosed in Stupak is calculated based on the probability of the player of the game of video poker obtaining a certain combination of cards based on his initial hand. The player is then given the option to choose between different jackpots (actually different payout levels) in accordance with the payable which is dependent on the probability of achieving this certain combination of cards.

Stupak therefore permits the player to choose between higher Royal Flush jackpots (wins) tied to higher payouts for higher-ranked hands and lower Royal Flush jackpots (wins) tied to lower payouts for lower-ranked hands that are more frequently achieved.

In this context, the Abstract of Stupak further explains that *“In this way, a quarter (\$0.25) video poker machine may have a jackpot for a “Royal Flush” ranging up to \$25,000 (on the basis of a \$1.25 bet) without the need to accumulate funds in a “progressive” jackpot or to interconnect groups of machines.” Special jackpots (wins) can also be awarded for “Sequential,” “Pat” or “Pat Sequential” Royal Flushes allowing jackpots (wins) up to \$1,000,000 on quarter (\$0.25) video poker machines without the need for the player to choose between machines and/or locations to locate desired jackpot amounts.”*

The cited passage makes it clear that the use of special progressive jackpots in a networked system is unnecessary, indeed it is unwanted. However, this passage does not in any

way disclose how such a special progressive jackpot could be achieved, much less does it teach or in any form suggest how it could be implemented.

Since the payable of Stupak is related to a payable for a certain game type (Video Poker) and not to a payable for a jackpot system for a variety of games, Stupak, alone or in combination with any of the other applied references, does not teach, suggest or give the person of ordinary skill in the art any motivation to combine Stupak with the other applied references. Logic and/or such person's background and experience likewise do not motivate him/her to combine Stupak with the other applied references. But even if this were not the case, the person of ordinary skill in the art would not arrive at the claimed invention.

Pease was relied on as allegedly teaching configurable paytables at a system workstation and was viewed, together with Stupak, as suggesting to one of ordinary skill in the art a jackpot payable and configurable paytables to supplement the teaching of the Acres references in order to reject all claims for obviousness.

Pease relates to automated casino gaming systems which employ automated writing stations for transmitting wager information to a central game controller to which a plurality of writing stations are attached for playing a game of chance in which a group of symbols is selected from a large number of predetermined possible symbols, and for displaying results of the game. Pease's system is succinctly summarized in its claim 1 as follows:

... keypad means operable by a patron for receiving wager information identifying symbols selected by the patron for the game of chance, said keypad means including a plurality of switching means each associated with one of the possible symbols for alternatively selecting and deselecting the symbol associated with the individual switching means when the switching means is activated by the patron; account identifying means for receiving account identification information from the patron identifying a wagering account having a balance maintained within the central game controller; wager activation means for generating a wager

signal, in response to action by the patron, indicating that the wager information currently selected by the keypad means is to be entered as an irrevocable wager; processing means connectable to said central game controller and connected to the keypad means, account identifying means, and wager activation means for receiving said wager information and said account identification information, and in response to receiving said wager signal, irrevocably transmitting signals to said central game controller, including the wager information and the account identification information, indicating that the wager information should be entered by the central game controller as an irrevocable wager associated with the patron account identified by the account identification information, and for subsequently receiving game results from said central game controller; display means connected to the processing means for displaying the game results to the patron.

The payable disclosed in Pease relates to the payable of the networked game and not to any payable associated with a jackpot that grows in accordance with the bets placed by a plurality of players at a plurality of independent gaming positions. That is to say, the payable referred to in claim 47, as well as in the other independent claims of the present application, is the payable of the jackpot system. As previously pointed out, the jackpot system is an additional incentive provided by at least one casino to players so that the players will hopefully spend more money increasing the overall turnover in the casino and/or casinos in question. This increased turnover in turn leads to an increase in revenue for the casino and/or casinos in question.

While Pease relates to a networked game of chance, in which several players can controllably play a game of chance at multiple gaming stations, Pease does not disclose a jackpot system for an allocation of wins from at least one jackpot to players playing at a plurality of

gaming positions. Consequently, Pease also does not disclose the selection generator and the means for comparing the generated selection with the payable of the present invention. Pease refers to a “*bonus prize*” (cf. col. 25, lines 46-51) as an extra award for increasing the incentive to play and states that it can be any desired prize for any combination of picks and hits. However, absolutely no detail is given what the extra prize might be or how it is determined, and Pease nowhere even mentions the concept of a jackpot.

A person of ordinary skill in the art would therefore not obtain any teaching, suggestion and/or a motivation from Pease to realize a jackpot system in accordance with the present application as recited in independent apparatus claims 47, 81, 93, 96 and 97 of this application.

Independent method claim 81 is directed to the same patentable subject matter as the independent apparatus claims. Claim 81 differs from the apparatus claims primarily because it employs method terminology. Claim 81 is therefore also not obvious over the applied references.

In this context, applicants point out that new independent claims 96 and 97 include all features of claim 47 and 81, respectively. In addition, these claims more specifically define the present invention by further requiring “the player at the gaming positions playing games for which there is a game outcome which can be one of a win or a no-win, the players additionally participating in a jackpot of the jackpot system”, features that are neither disclosed or suggested in the prior art references, thereby still further limiting these claims over the prior art.

As the foregoing demonstrates, none of the five references applied against the pending claims disclose or suggest to provide a selection generator and means for comparing the generated selection with the payable of a jackpot system to determine jackpot winnings. Further, none of the references suggests how such a jackpot system payable could or should be implemented. Since none of the references provide any motivation for a person of ordinary skill in the art to carry out the implementation of such a payable, and there would be no basis in the

background and/or experience of the person of ordinary skill in the art, independent claims 47, 81, 93, 96 and 97 are not obvious.

Dependent claims 2-54, 56-80, 82-92, 94 and 95 are directed to independently patentable subject matter. These claims are further allowable because they depend from allowable parent claims.

CONCLUSION

In view of the foregoing, applicants submit that this application is in condition for allowance, and a formal notification to that effect at an early date is requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (415) 273-4730 (direct dial).

Respectfully submitted,



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